

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-31 are pending. Claims 1, 10, 19 and 25 are independent.

In the Official Action, claims 1-31 were rejected under 35 U.S.C § 103(a) as being unpatentable over Kondo (U.S Patent No. 7,127,736) in view of Ort (U.S Patent No. 5,630,005).

Briefly recapitulating, claim 1 is directed to

A method of exchanging user messages among interactive disk players, comprising the steps of:

receiving a user message from a first interactive disk player;

receiving a message request from a second interactive disk player;

comparing a playback time included in the message request with a playback time included in the user message to produce a comparison result; and

determining whether or not to send the user message to the second interactive disk player depending on said comparison result.

Kondo describes a method and device for creating value-added information regarding a video based on favorite information of a content user. The content is processed according to the generated value-added information. Favorite data indicating operations, such as fast-forward, pause, and rewind operations, performed while the content is being played back, and personal user information, such as the age group, the gender, and the life-style, of the content user are transferred to a server via a network. The server performs statistical processing on the user favorite data to generate value-added information according to the attributes of the user, such as the age group, the gender, and the life-style. However, as acknowledged by the Official Action,

Kondo does not disclose or suggest a) comparing a playback time included in the message request with a playback time included in the user message to produce a comparison result; and b) determining whether or not to send the user message to the second interactive disk player depending on said comparison result. To cure this deficiency, the Official Action applies Ort.

Ort describes a method for causing a computer system or other computer controlled digital playback system to seek to a requested playback location referenced by a playback time or a frame number within a selected audio/video file that is recorded in variable data rate recording format (e.g., MPEG). The audio/video file is stored in a suitable recording media, such as CD-ROM storage, magnetic disk storage, computer memory storage, etc. The method receives a requested playback location referenced by a playback time or frame number and also accesses an upper rate bound from a system header of the playback file.

The Official Action asserts “Once the intended playback time (stored response from first DVD) matches the requested playback time (request from second DVD), the location of the stored audio/video data found on the server, and a response is forwarded to the requester...Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ort’s teachings of a system exchanging interactive messages from users with the teachings of Kondo...” Applicant traverses.

First, the functions and operational mechanisms of the Kondo system are fundamentally different from those of the Ort system. The Kondo system generates value-added information regarding a video based on favorite information of a content user. The content is processed according to the generated value-added information. Favorite data indicating operations, such as

fast-forward, pause, and rewind operations, performed while the content is being played back, and personal user information, such as user group, the gender, and the life-style, of the content user are transferred to a server via network. The server performs a statistical processing on the user favorite data to generate value-added information according to the attributes to the user, such as the age group, the gender, and the life-style, and sends the value-added information to the content user. In contrast, Ort describes a system for seeking to a requested playback location reference by a playback time or a frame number within a selected audio/video file that is recorded in variable data rate recording format. Upon completion of successful search, a playback file data is downloaded for viewing. As such, the functions and operational mechanisms of the Kondo and Ort systems are different from each other. Thus, it is not clear how and why a skilled artisan would be motivated to modify the Ort system to reflect features of the Kondo system in an effort to arrive at Applicant's invention. For a proper obviousness rejection, the Office must provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" and not "mere conclusory statements." *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 14 (U.S. Apr. 30, 2007) (quoting *In re Kahn*, 441 F.3d 977, 988, (Fed. Cir. 2006)). Applicant submits that the reasons for combining Kondo and Ort included in the Official Action are not based on a rational understanding of the references.

Second, the alleged obviousness conclusion advanced by the Official Action recites "[a]ccordingly, it would be obvious ... Ort's teachings of a system exchanging interactive message from users...." However, both Kondo and Ort are silent as to exchanging messages among users. Thus, for a second reason, the reasons for combining Kondo and Ort are not based on a rational understanding of the references.

Third, contrary to the Official Action, Ort does not disclose or suggest "determining whether or not to send the user message to the second interactive disk player depending on said comparison result" as recited in claim 1. As such, neither of the cited references, taken alone or in combination, teach all the limitations of the claimed invention as required by 35 U.S.C. § 103(a). The Official Action cites to a portion of the summary of Ort, without reference to the detailed description. The cited portion states

Specifically, in a digital playback system including a video processor unit, embodiments of the present invention include a method of seeking to a requested playback time within an audio/video file, the method comprising the steps of: (a) identifying a data rate associated with the audio/video by locating a maximum data rate value stored in the audio/video file, the audio/video file recorded in a variable data rate format; (b) determining an approximate location within the audio/video file based on the data rate and the requested playback time; (c) identifying an intended playback time stored within data of the audio/video file located near the approximate location; (d) if the intended playback time does not match the requested playback time, adjusting the approximate location based on the intended playback time; (e) repeating steps (c) and (d) until the intended playback time matches the requested playback time.

Embodiments include the above and wherein the step (c) comprises the steps of: seeking within the audio/video file to a byte location identified by the approximate location; reading an amount of data of the audio/video file near the byte location into a buffer; and searching the buffer to locate a time stamp, wherein the time stamp indicates the intended playback time associated with the approximate location.

Embodiments include the above and wherein the step of (d) comprises the steps of: (1) comparing the intended playback time with the requested playback time; and (2) if the step of comparing does not indicate a match: (i) adjusting the data rate based on the intended playback time and the approximate location; and (ii) updating the approximate location based on the requested playback time and the data rate as adjusted above and wherein the step (i) comprises the steps of: determining a new data rate based on the intended playback time and the approximate location; averaging the data rate and the new data rate to arrive at an averaged data rate; and referencing the data rate to the averaged data rate. Embodiments also include a computer system implemented in accordance with the above.

Nothing in with these 3 paragraphs explicitly or inherently discloses “determining whether or not to send the user message to the second interactive disk player depending on said comparison result” as recited in claim 1. Indeed, the comparison result of these passages are used to determine “a new data rate based on the intended playback time and the approximate location; averaging the data rate and the new data rate to arrive at an averaged data rate; and referencing the data rate to the averaged data rate.” Ort’s step of “determining a new data rate based on the intended playback time and the approximate location; averaging the data rate and the new data rate to arrive at an averaged data rate; and referencing the data rate to the averaged data rate” is not the same as Applicant’s claimed “determining whether or not to send the user message to the second interactive disk player.” Ort’s decision of whether or not to adjust a data rate is not the same as determining whether or not to send a message.

For reasons presented above relative to claim 1, Applicant further submits that Kondo and Ort do not disclose or suggest all of the features recited in independent claims 10, 19 and 25. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 10, 19 and 25, Applicant submits the inventions defined by claims 1, 10, 19 and 25, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

¹ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

CONCLUSION

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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